

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JACOB BARRETT,

Petitioner,

6:10-cv-00035-TC

v.

ORDER

ELLEN ROSENBLOOM,

Respondent.

Coffin Judge.

Petitioner's Motion for Extension of time to file a reply to respondent's response (#41) is allowed. Petitioner is allowed 30 days from the date of this order to file a brief in support of his petition and/or reply to respondent's response.

Petitioner also moves the court for an order requiring "the Oregon Department of Corrections, the Attorney General and all other acting in concert with them" to provide him with "all legal files pertaining to this case" which were in his

possession while he was housed in New Mexico and for a stay of this proceeding until those "files" have been produced. Motion Preliminary injunction and Stay of Proceedings (#42).

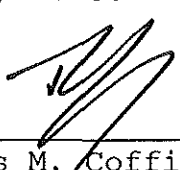
Respondent's response alleges that petitioner's petition is time barred. The AEDPA's limitations period may be equitably tolled if extraordinary circumstances beyond a prisoner's control made it impossible to file a petition on time. Miles v. Prunty, 187 F.3d 1104, 1107 (9th Cir. 1999); Allen v Lewis, 255 F.3d 798, 799 (9th Cir. 2001); see also, Green v. White, 223 F.3rd 1001, 1003 (9th Cir. 2000). In order to proceed, petitioner must only allege facts that would establish such extraordinary circumstances.

Therefore, petitioner may respond to the statute of limitations issue without reference to "legal files" he seeks in his motion. Petitioner's Motion for Preliminary Injunction and Stay of Proceedings (#42) is denied.

As a courtesy to petitioner, the clerk is requested to provide petitioner with a copy of respondent's Answer (#38) and Response (#39) along with this order.

IT IS SO ORDERED

DATED this 16 day of April, 2013.



Thomas M. Coffin
United States Magistrate Judge